

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THEODORE JEZOWSKI, SR.,
And STEPHANIE JEZOWSKI

Plaintiffs,

Case No. 16-cv-13242

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

TINA THOMPSON,
and RANDY SCHABEL

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT, AND DISMISSING
COMPLAINT**

On September 8, 2016, Plaintiffs Theodore Jezowski, Sr. and Stephanie Jezowski ("Plaintiffs") filed the instant action for damages under 42 U.S.C. §§ 1983 and 1985(3) against Defendants County of Arenac, Tina Thompson, Arenac County Department of Health and Human Services, Josett Gracey, Matt Engster, Kim Bejcek, Deb Bonnau, Brian Millikin, Steve Yager, Orlene Hawks, Tobin Miller, Arenac County Sheriff Department, Randy Schabel, Ryan Schmidt, and Does #1-50, inclusive. (ECF No. 1). Because Plaintiffs proceeded in forma pauperis, the complaint was subject to screening under 28 U.S.C. § 1915(e)(2)(B), which requires dismissal to the extent an action sets forth frivolous or malicious claims, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant immune from such relief. On May 15, 2017, Magistrate Judge Patricia T. Morris issued a Report and

Recommendation (“R. & R.”) urging this Court to dismiss the Complaint except to the extent it asserted claims against Defendants Randy Schabel and Tina Thompson (“Defendants”) in their individual capacities, (ECF No. 26), and on June 13, 2017, this Court issued an Order adopting the R. & R. Thereafter, Defendants filed the instant Motions To Dismiss or in the alternative for Summary Judgment, (ECF No. 32), and for Summary Judgment, (ECF No. 33), to which Plaintiff’s responded, (ECF No. 37). Defendants replied to Plaintiffs’ Response on March 21, 2018. (ECF Nos. 38-39). On May 18, 2018, Judge Morris issued a report, recommending that the Court grant Defendant Schabel’s Motion To Dismiss or, in the alternative, for Summary Judgment, (ECF No. 32), grant Defendant Thompson’s Motion for Summary Judgment, (ECF No. 33), and dismiss the complaint.

Although the magistrate judge’s report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge’s report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that Judge Morris’s report and recommendation, (ECF No. 42), is **ADOPTED**.

It is further **ORDERED** that Defendant Schabel’s Motion To Dismiss or, in the alternative, for Summary Judgment, (ECF No. 32), is **GRANTED**.

It is further **ORDERED** that Defendant Thompson’s Motion for Summary Judgment,

(ECF No. 33), is **GRANTED**.

It is further **ORDERED** that the complaint, (ECF No. 1), is **DISMISSED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 20, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 20, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager